

REMARKS

In response to the Office Action mailed on December 27, 2005, the Applicant now submits a copy of a substitute specification and a corresponding mark-up copy as a part of the requirement. The substitute specification contains no new matter and every amendment has been supported by the original disclosure of the current application.

The Examiner has rejected claims 1, 2, 4-6, 8, 11 and 15 under 35 U.S.C. 102(b) as allegedly being anticipated by Linscott. Alternatively, the Examiner has rejected claims 1, 2, 4-6, 8, 11-15 and 20 under 35 U.S.C. 102(b) as allegedly being anticipated by Hunt. Lastly, the Examiner has rejected claims 1-6, 8, 11, 15, 16 and 20 under 35 U.S.C. 102(b) as allegedly being anticipated by Iseman.

In addition, the Examiner has rejected claims 7 and 10 under 35 U.S.C. 103(a) as allegedly being obvious over Iseman in view of Brown. The Examiner has rejected claim 9 under 35 U.S.C. 103(a) as allegedly being obvious over Iseman. The Examiner has rejected claims 17 and 18 under 35 U.S.C. 103(a) as allegedly being obvious over Iseman in view of Murakami et al. The Examiner has rejected claims 19 and 21 under 35 U.S.C. 103(a) as allegedly being obvious over Iseman in view of Hattori. Lastly, the Examiner has rejected claims 21 and 22 under 35 U.S.C. 103(a) as allegedly being obvious over Iseman in view of Smerud et al.

In view of the above amendments and the following remarks, the Applicants respectfully request the Examiner to reconsider the rejections for withdrawal.

The Section 102 Rejections

The Examiner has rejected claims 1, 2, 4-6, 8, 11 and 15 under 35 U.S.C. 102(b) as allegedly being anticipated by Linscott et al. The Examiner alleged that the Linscott et al. reference discloses every element of independent claim 1 including the voids 30-32 that are formed by the contact portions 33-35 of the housing 10 and the stator 11.

Newly amended independent claim 1 now explicitly recites an electric type compressor including “an electric motor” and “a compressor mechanism accommodated in the housing and connected to the electric motor for compressing gas as driven by the electric motor.” In sharp contrast, the Linscott et al. reference clearly fails to disclose an electric type compressor including the compressor mechanism. This clearly lacking element alone is a sufficient reason for overcoming the pending rejection to cause a withdrawal of the rejection of independent claim 1.

Among other rejected claims, dependent claims 4 and 11 have been cancelled, and dependent claims 2, 5-6, 8 and 15 ultimately depend from newly amended independent claim 1. Due to dependency, claims 2, 5-6, 8 and 15 incorporate the above discussed patentable features of newly amended independent claim 1.

For the above reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 1, 2, 4-6, 8, 11 and 15 under 35 U.S.C. 102(b) in view of Linscott et al.

The Examiner has rejected claims 1, 2, 4-6, 8, 11-15 and 20 under 35 U.S.C. 102(b) as allegedly being anticipated by Hunt. The Examiner alleged that the Hunt reference discloses every element of independent claim 1 including the voids 27 that are formed by the housing 18 and the stator 19.

Newly amended independent claim 1 now explicitly recites an electric type compressor including “an electric motor” and “a compressor mechanism accommodated in the housing and connected to the electric motor for compressing gas as driven by the electric motor.” In sharp contrast, the Hunt reference clearly fails to disclose an electric type compressor including the compressor mechanism. This clearly lacking element alone is a sufficient reason for overcoming the pending rejection to cause a withdrawal of the rejection of independent claim 1.

Among other rejected claims, dependent claims 4, 11 and 12 have been cancelled, and dependent claims 2, 5, 6, 8, 13-15 and 20 ultimately depend from newly amended independent claim 1. Due to dependency, claims 2, 5, 6, 8, 13-15 and 20 incorporate the above discussed patentable features of newly amended independent claim 1.

For the above reasons, the Applicants respectfully respect the Examiner to withdraw the rejections of claims 1, 2, 4-6, 8, 11-15 and 20 under 35 U.S.C. 102(b) in view of Hunt.

The Examiner has rejected claims 1-6, 8, 11, 15, 16 and 20 under 35 U.S.C. 102(b) as allegedly being anticipated by Iseman et al. The Examiner alleged that the Iseman et al. reference discloses every element of independent claim 1 including the voids that are formed by the housing 12 and the stator 22.

Newly amended independent claim 1 now explicitly recites an electric type compressor including "an electric motor" and "a compressor mechanism accommodated in the housing and connected to the electric motor for compressing gas as driven by the electric motor." In sharp contrast, the Iseman et al. reference clearly fails to disclose an electric type compressor including the compressor mechanism. This clearly lacking element alone is a sufficient reason for overcoming the pending rejection to cause a withdrawal of the rejection of independent claim 1.

Among other rejected claims, dependent claims 4 and 11 have been cancelled, and dependent claims 2, 3, 5, 6, 8, 15, 16 and 20 ultimately depend from newly amended independent claim 1. Due to dependency, claims 2, 3, 5, 6, 8, 15, 16 and 20 incorporate the above discussed patentable features of newly amended independent claim 1.

For the above reasons, the Applicants respectfully request the Examiner to withdraw the rejections of claims 1-6, 8, 11, 15, 16 and 20 under 35 U.S.C. 102(b) in view of Iseman et al.

The Section 103 Rejections

For the obviousness rejections, the Examiner has rejected claims 7 and 10 under 35 U.S.C. 103(a) as allegedly being obvious over Iseman in view of Brown. The Examiner has rejected claim 9 under 35 U.S.C. 103(a) as allegedly being obvious over Iseman. The Examiner has rejected claims 17 and 18 under 35 U.S.C. 103(a) as allegedly being obvious over Iseman in view of Murakami et al. The Examiner has rejected claims 19 and 21 under 35 U.S.C. 103(a) as allegedly being obvious over Iseman in view of Hattori. Lastly, the Examiner has rejected claims 21 and 22 under 35 U.S.C. 103(a) as allegedly being obvious over Iseman in view of Smerud et al.

Since independent claim 21 has been cancelled and dependent claims 7, 9, 10, 17, 18, 19 and 22 each now ultimately depend from newly amended independent claim 1, the above obviousness rejections are considered in view of the patentable features of newly amended independent claim 1. Furthermore, each of the above obviousness rejections is partially relied upon the Iseman et al. reference.

Newly amended independent claim 1 now explicitly recites an electric type compressor including “an electric motor” and “a compressor mechanism accommodated in the housing and connected to the electric motor for compressing gas as driven by the electric motor.” As discussed above with respect to the section 102 rejections, the Iseman et al. reference fails to disclose, teach or suggest “the compressor mechanism” in combination with “an electric motor” in an electric type compressor. In this regard, any of the combined references, Brown, Murakami et al., or Hattori also fails to disclose, teach or suggest “the compressor mechanism” in combination with “an electric motor” in an electric type compressor.

The Smerud et al. reference discloses “the compressor mechanism” in combination with “an electric motor” in an electric type compressor. The Smerud et al. reference additionally discloses “a suction gas supply passage 46 which is formed therebetween as a result of a cutout in motor stator 44 [and the middle shell 14 of the housing 11]” (lines 35 and 38, column 4) for flowing the suction gas “cooling of the compressor drive motor while the compressor is in operation.” (lines 19 and 20, column 6).

In this regard, newly amended independent claim 1 now explicitly recites “a housing having . . . an elastic part and having a plurality of recesses which are formed around the elastic part extending outwardly in the radial direction of the inner circumferential surface.” In sharp

contrast, the Smerud et al. reference discloses only “a cutout in motor stator 44,” but not “a plurality of recesses which are formed around the elastic part” of the housing. In other words, the Smerud et al. reference fails to disclose, teach or suggest “the elastic part” for forming “the recesses” on “the inner circumferential surface” of the “housing.”

In view of the above, none of other combined references, Brown, Murakami et al., or Hattori also fails to disclose, teach or suggest “the elastic part” for forming “the recesses” on “the inner circumferential surface” of the “housing.” For this reason, even if the cited references are combined in any manner, the combined disclosure still fails disclose, teach or suggest “the elastic part” for forming “the recesses” on “the inner circumferential surface” of the “housing.”

For the above reasons, the rejection of claims 7, 9, 10, 17, 18, 19 and 22 is not warranted. Thus, it would not have been obvious to one of ordinary skill in the art to provide the current invention as explicitly recited in newly amended independent claim 1 based upon the cited references alone or in combination. The Applicants respectfully submit to the Examiner to withdraw the pending rejections under 35 U.S.C. 103(a).

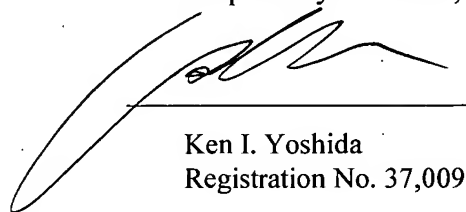
Furthermore, although the Examiner did not cite the combined disclosure against independent claim 1, the obviousness rejections based upon any combination of the above cited references also appear unwarranted.

CONCLUSION

In view of the above amendments and the foregoing remarks, Applicant respectfully submits that all of the pending claims are in condition for allowance and respectfully requests a favorable Office Action so indicating.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Ken I. Yoshida', is written over a horizontal line.

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